REMARKS/ARGUMENTS

Claims 1-22 are pending in the Application. By this Amendment, claims 1-5 and 4-18 are amended and claims 23-26 are canceled. Support for the amended claims can be found throughout the original application, including the drawings and claims. Reconsideration and withdrawal of the rejections in view of the foregoing amendments and following remarks is respectfully requested.

I. Restriction Requirement

The Office Action asserts a Restriction Requirement between Group I (claims 1-18) and Group II (claims 19-26). The Office Action further indicates that Applicants made an election by original presentation of claims 1-18. Thus, the Office Action indicates that claims 19-26 have been withdrawn from consideration.

For the reasons set forth below, it is respectfully submitted that the imposition of the Restriction Requirement is improper with respect to claims 19-22, and that claims 19-22 should be rejoined and examined along with claims 1-18. However, to expedite prosecution, claims 23-26 have been canceled.

Claim 19, like claim 1, is directed to a method of routing telephone calls over the Internet. Claim 19 recites steps that involve making a first call setup attempt by sending a call setup request from a source gateway to a destination gateway, and then receiving data packets at the source gateway that are sent back from the destination gateway indicating that the first call setup attempt has failed. Claim 19 then recites making a second call setup attempt by sending a

call setup request from a second originating gateway (which is different from the source gateway) to the destination gateway.

A method that is very similar to the one recited in claim 19 is recited in claim 4 of the present application. Claim 4, which depends from claims 1-3, includes steps of making a first call setup attempt from a source gateway, where the first call setup attempt fails, and then making a second call setup attempt by sending a call setup request from an originating gateway that is different from the source gateway.

In view of the above facts, it is respectfully submitted that a search for the subject matter of claims 1-18 would necessarily encompass a search for the subject matter of claim 19. Thus, it is respectfully submitted that the search and examination of claims 19-22 could be made without serious burden. For these reasons, it is respectfully submitted that claim 19, and claims 20-22 which depend therefrom, should not be subject to the Restriction Requirement. Withdrawal of the Restriction Requirement with respect to claims 19-22 is respectfully requested.

II. Allowable Subject Matter

The Office Action indicates that claim 5 contains allowable subject matter. The indication of allowable subject matter is acknowledged with appreciation. Because it is believed that all claims are in condition for allowance, Applicants respectfully decline to rewrite claim 5 in independent form at the present time.

III. Claims 1-4 and 6-10 Are Allowable

The Office Action rejects claims 1-4 and 6-10 under 35 U.S.C. §103(a) over Fangman

(U.S. Patent No. 7,068,646), in view of White (6,711,241). Because the cited references fail to disclose or suggest all the features of these claims, the rejection is respectfully traversed.

Fangman discloses a typical voice over internet (VoIP) system for connecting telephone callers to one another using digital data packets. It appears that the Fangman system relies upon IP telephones which generate digital signals which are sent between the phones via digital data packet transmissions.

White discloses a typical (VoIP) telephone system which also allows telephone users to complete telephone calls via the Internet using digital data transmissions. The basic elements of the White system are shown in Figure 4. As shown therein, a first (originating) telephone 100 is connected to a local exchange 102. The local exchange is connected to an originating gateway 104, which is itself connected to the Internet. There is also a destination gateway 116 connected to the Internet, and the destination gateway 116 is connected to a local exchange 114. Finally, a destination telephone 118 is connected to the local exchange 114.

The Office Action focuses on the method illustrated in Fig. 5 of White. In this method, a telephone call is set up between the originating telephone 100 and the destination telephone 118. During the call setup process, the originating gateway 104 sends a call setup request to the destination gateway 116 over the Internet. The destination gateway 116 receives the request and attempts to connect the call to the destination telephone 118 through the local exchange 114. If the destination gateway 116 is unable to complete the call to the destination telephone 118, the

destination gateway 116 sends a message back to the originating gateway 104 to advise that the telephone call could not be completed.

In the White method illustrated in Fig. 5, when the destination gateway 116 is unable to complete the telephone call to the destination telephone 118, the destination gateway 116 sends the setup failure message back to the same originating gateway that sent the call setup request, which in this case is the originating gateway 104. White fails to disclose or suggest sending the call setup failure message to a gateway other than the one that sent the setup request in the first place.

As is well known to those of skill in the art, the destination gateway 116 looks at the header data in the data packets bearing the call setup request to determine which originating gateway sent the call setup request. The destination gateway then uses this information to sent the call setup failure message back to the same originating gateway that sent the setup request.

A. Claims 1-4 and 10-13

Claim 1 recites a method for routing telephone calls over the Internet between an originating gateway and a destination gateway. Claim 1 includes the steps of selecting a destination gateway that routes telephone calls to a destination telephone, and selecting an optimal route from a plurality of routes, wherein each route includes an originating gateway that sends data packets to the selected destination gateway. Claim 1 states that the originating gateway on the optimal route comprises a source gateway. Claim 1 further recites inserting header data into digital data packets containing a call setup request, and sending the digital data packets containing the call setup request to the destination gateway from an

originating gateway other than the source gateway. Claim 1 recites that the header data inserted into the digital data packets ensures that a message indicating that the call setup request has failed is sent from the destination gateway to the source gateway, even though the digital data packets containing the call setup request were sent to the destination gateway from an originating gateway other than the source gateway.

The Office Action admits that Fangman fails to disclose or suggest any method where header data is inserted into data packets bearing a call setup request to ensure that a call setup failure message is directed to a particular originating gateway. Further, as explained above, White's method only results in call setup failure messages being sent from the destination gateway to the originating gateway that sent the call setup request to the destination gateway in the first place. White fails to disclose to suggest any method which would result in a destination gateway sending a call setup failure method to a gateway other than the one which sent the call setup request in the first place. For at least this reason, it is respectfully submitted that claim 1 is allowable.

Claims 2-4 and 10-13 depend from claim 1 and are allowable for at least the same reasons, and for the additional features which they recite. For instance, claim 3 further recites steps of inserting new header data into the data packets containing the call setup request, wherein the new header data identifies an originating gateway connected with the next-most optimal route, and then sending the data packets to that originating gateway. Claim 4 depends from claim 3 and further recites stripping off the header data identifying the originating gateway connected with the next-most optimal route from the data packets

containing the call setup request. Fangman and White fail to disclose or suggest any such steps. It is respectfully submitted that the dependent claims are also allowable for these additional reasons.

B. Claims 14-16

Claim 14 is directed to a system configured to route telephone calls over the Internet. Claim 14 recites a routing controller generates routing information that identifies routes for communicating digital data packets bearing telephone calls over the Internet, and a source gateway that receives the routing information. Claim 14 recites that the source gateway inserts header data into data packets containing a call setup request, wherein the header data ensures that if a call setup attempt sent to a destination gateway from an originating gateway other than the source gateway fails, a message sent back from the destination gateway indicating that the call setup attempt has failed will be sent to the source gateway.

As noted above, both Fangman and White fail to disclose or suggest a system wherein header data in data packets bearing a call setup request cause a destination gateway to sent a call setup failure message to a source gateway, even though the call setup request was sent to the destination gateway from an originating gateway other than the source gateway. Thus, it is respectfully submitted that claim 14 is allowable for reasons analogous to those discussed above in connection with claim 1. Claims 15 and 16 depend from claim 14 and are allowable for the same reasons, and for the additional features which they recite.

In view of all of the foregoing, withdrawal of the rejection of claims 1-4 and 10-16 is respectfully requested.

IV. Claims 6-9, 17 and 18 Are Allowable

The Office Action rejects claims 6-9, 17 and 18 under 35 U.S.C. §103(a) over Fangman, in view of White, and further in view of Sasagawa (U.S. Patent No. 6,914,898). The rejection is respectfully traversed.

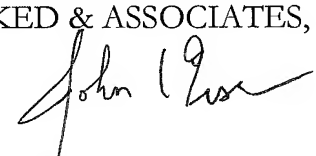
Claims 6-9 depend from claim 1, and claims 17 and 18 depend from claim 14. As noted above, Fangman and White fail to disclose or suggest all the features of claims 1 and 14. Sasagawa fails to cure the deficiencies of Fangman and White discussed above. Accordingly, it is respectfully submitted that claims 6-9, 17 and 18 are also allowable. Withdrawal of this rejection is also respectfully requested.

V. Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
KED & ASSOCIATES, LLP



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